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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,628	07/10/2003	Alexander Serkh	T02-061A	4258
26683 7590 09/10/2007 THE GATES CORPORATION IP LAW DEPT. 10-A3 1551 WEWATTA STREET DENVER, CO 80202			EXAMINER CHARLES, MARCUS	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/617,628	Applicant(s) SERKH ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed 06-25-2007, which has been entered.

Claims 1-13 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruchner et al. (5,820,503). Bruchner et al. discloses an idler comprising a pulley supported by a bearing (2) that is mounted on a tension adjusted member (3), wherein the tension-adjusting member (3) is in communication with a fastener (5/6) that fixes the idler to a mount (1). As is well known in the art, it is apparent that as the fastener (5/6) provides two components of forces, in that it fixes the tension adjusted member (3) to the mount and at the same instant the tension adjusted member (3) will actually rotate in the direction of the turning action of the fastener due to frictional torque between the contact surfaces of the fastener and the bearing mount thereby inherently providing tensioning on the belt.

In claim 2, note the tension adjusting member is a cylinder that cooperates with the inner portion of the bearing (2), and an eccentric bore axially therethrough.

In claim 3, note the tension adjuster comprises a reaction friction surface and a resistance surface (see attached drawing). In addition, it would be inherent for the idler

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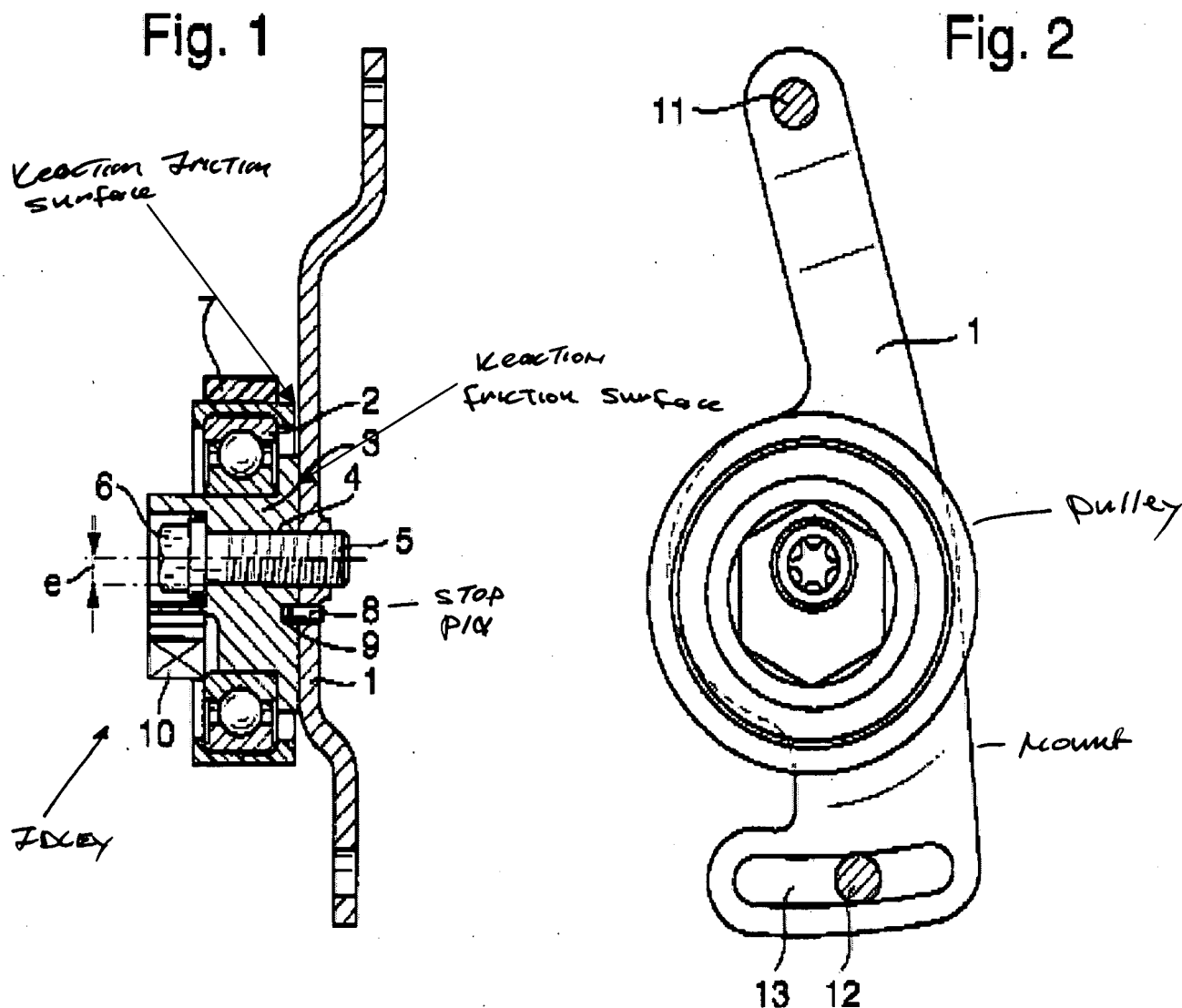
In claim 4, note the reaction resistance surface with a reaction-mating surface of the fastener and the resistance friction with the mounting surface.

Regarding claim 5, note the arm (1) having a pulley mounting portion and a dual fastener bore at (11) at one end.

In claim 6, note the curve slot (9) in the cylindrical portion of the tension-adjusting member.

In claims 7-12, Bruchner et al. discloses the claimed invention above.

Regarding claim 13, it is apparent that the method steps are inherently included during the application of Bruchner et al. device.



Response to Arguments

3. Applicant's arguments filed 06-25-2007 have been fully considered but they are not persuasive. Applicant contended that Bruchner fails to all the elements of the independent claims, which include a dual function fastener that fixes the idler to a mount and frictionally engages the tension-adjusting member to adjust tension of the pulley on the power transmission belt. In response, it is well known in the art that a bolt of the type

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disclosed by Bruchner et al. has a dual function. Due to the turning action during tightening of the bolt, the rotational forces on the bolt will be transferred to the plate or object which is being tightened by the bolt or screw and will tend to rotate that object in the turning direction. Therefore, it is inherent that the rotational turning of the screw (5) of Bruchner et al. will perform a double action and will continue to turn the bearing pin (3) as well as tighten the bearing pin. Bruchner et al. recognizes the dual function of the screw (see col. 3, lines 30-40). It should be noted that the bearing pin (3) is turned by a wrench until the pin (8) abuts against a circumferential end of the groove until no further turning is required. The application of the screw is introduced to tighten the bearing pin onto the plate after the bearing pin is rotationally locked into position. Therefore, it can be understood that without the locking pin (8), the introduction of the screw (5) would continue to rotate the bearing pin (3) and in the same instant lock the bearing pin to the plate, thus performing a dual function. Therefore, the fastener of Bruchner et al. is inherently a dual fastener. For reasons given above the rejection is deemed proper.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Marcus Charles
Primary Examiner
Art Unit 3682
September 03, 2007